



UNIVERSITY of VIRGINIA
OFFICE OF STATE GOVERNMENTAL RELATIONS

March 21, 2016

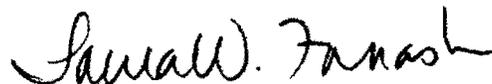
Maria J.K. Everett
Executive Director, Virginia Freedom of Information Advisory Council
General Assembly Building, 2nd Floor
201 North 9th Street
Richmond, VA 23219

Dear Maria:

I am in response to your request for feedback on the University's exemption included in § 2.2-3705.4 (5) of the Virginia Freedom of Information Act relating to certain records of the University of Virginia Medical Center. In the 1990s, the General Assembly enacted §§ 23-77.3 and 23-77.4 of the Code of Virginia recognizing the unique role of the Medical Center in support of the missions of medical and health sciences education and research at UVA; and the need for the Medical Center to remain economically viable, with the ability to participate in joint ventures, partnerships, contracts and other cooperative arrangements that are reflective of changes in health care delivery. In addition, these sections provide that "the ability of the Medical Center to continue to be a reliable source of such revenues is heavily dependent upon its ability to compete with other providers of health care that are not subject to the requirements of law applicable to agencies of the Commonwealth." It is important to note that the Medical Center receives no general fund appropriations and is totally dependent on operating revenues, like other health care systems with whom the Medical Center competes. Recognizing that the Medical Center would not be able to operate successfully in the health care marketplace if its proprietary information were made publically available (whereas similar information of its competitors is not publically available), § 2.2-3705.4 (5) exempts proprietary and business-related information pertaining to the operations of the Medical Center from public disclosure under the FOIA.

In a constantly evolving health care industry, this exemption continues to remain critical for the Medical Center to compete with the privately-owned hospitals and health care entities in the Commonwealth. As such, we respectfully request that the exemption remain as written in the Code of Virginia. Thank you for the opportunity to provide feedback on this exemption. We plan to attend the subcommittee meeting on Thursday and will be able to provide further explanation to the subcommittee members, if needed.

Sincerely,



Laura W. Fornash
Executive Assistant to the President for State
Governmental Relations

Cc: Colette Sheehy